IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Bail Appl..No. 1306 of 2007()

C.R.NO.26/07 OF NEDUMANGAD EXCISE RANGE

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: PETITIONER/ACCUSED:

PRATHEESH P.S., AGED 24 YEARS,
S/O. SHEELA, RESMI VILASOM, EERADI,
PANAKKODE P.O., NEDUMANGADU.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1306 OF 2007

Dated this the 6th day of March, 2007

O R D E R

Petitioner, who is the accused in C.R.No.26/2007 of Nedumangad Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 128 litres of rectified spirit on 5.2.2007 in the house which stands in the name of the petitioner's mother, who is abroad, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. I am, however, inclined to permit the petitioner to surrender before the Investigating Officer and then to have his application for regular bail considered by the Magistrate concerned. Accordingly the petitioner is directed to surrender before the Investigating Officer on any day between 13.3.2007 and 15.3.2007 for the purpose of interrogation. He shall, thereafter, be produced before the Magistrate concerned on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed bearing in mind the decision of this court reported in ***Sukumari Vs. State of Kerala***[2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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